

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF TRITEL COMMUNICATIONS,)
INC. AND TRITEL FINANCE, INC. ("TRITEL") FOR)
ISSUANCE OF A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO CONSTRUCT A)
PERSONAL COMMUNICATIONS SERVICES)
FACILITY IN THE LOUISVILLE MAJOR TRADING)
AREA [M&E STORAGE FACILITY])

CASE NO.
2001-203-UAC

O R D E R

On August 9, 2001, Tritel Communications, Inc. and Tritel Finance, Inc. ("Tritel") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility. The proposed facility is to be located at 720 Lancaster Avenue, Lexington, Fayette County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 3' 12" by West Longitude 84° 28' 42.2".

Tritel has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. Based upon the application, the design of the tower and foundation conforms to applicable nationally recognized building standards, and a Licensed Professional Engineer has certified the plans.

Pursuant to 807 KAR 5:063, Tritel has notified the local planning unit of the proposed construction. The planning commission is duly authorized to review the uniform application but has failed to respond with any decision within 60 days. To date, the local planning unit has filed no comments and, pursuant to KRS 100.987(4)(c), the application is

presumed approved. Tritel has filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the proposed facility. The FAA decision is pending, and the KAZC has informed the Applicant by letter that no approval was required from the KAZC for the construction.

Tritel has filed evidence of the appropriate notices provided pursuant to 807 KAR 5:063. The notices solicited any comments and informed the recipients of their right to request intervention. To date, no public comments have been filed with the Commission.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, Tritel should notify the Commission if it does not use this antenna tower to provide service in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by Tritel.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that Tritel has demonstrated that a facility is necessary to provide adequate utility service and therefore should be granted a Certificate of Public Convenience and Necessity to construct the proposed facility.

IT IS THEREFORE ORDERED that:

1. Tritel is granted a Certificate of Public Convenience and Necessity to construct a wireless telecommunications facility. The proposed facility is to be located at

720 Lancaster Avenue, Lexington, Fayette County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 3' 12" by West Longitude 84° 28' 42.2".

2. Tritel shall file a copy of the final decision regarding its pending FAA application for the proposed construction within 10 days of receiving this decision.

3. Tritel shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 2nd day of November, 2001.

By the Commission

ATTEST:


Executive Director